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From the Director, Department of Parks, Recreation, and Culture, requesting authorization to execute a Lease and Use Agreement with the City of Greenfield for the maintenance and operations of Kulwicki Park, for a 15-year term with three five-year renewal options, by recommending adoption of the following:

AN ENGROSSED RESOLUTION

WHEREAS, Milwaukee County (the County) owns and operates the Alan D. Kulwicki Park (Kulwicki Park) located at 10777 West Cold Spring Road, in the City of Greenfield (the City); and

WHEREAS, Kulwicki Park was created as a stormwater management area as required by the United States Army Corps of Engineers in 1988, and subsequently deeded to the County; and

WHEREAS, the site was unused and not programmed as a park until the County was petitioned by the Alan Kulwicki Foundation in 1993, and since that time Kulwicki Park has been developed and programmed in partnership with the City, the Alan Kulwicki Park Memorial Committee (AKPMC), and the Greenfield Little League; and

WHEREAS, the City and the County wish to formally acknowledge this partnership by entering into a Lease and Use Agreement (the Agreement) for Kulwicki Park, wherein the terms and conditions of that partnership are formally adopted by the Milwaukee County Board of Supervisors; and

WHEREAS, the Agreement would obligate the City for all improvement, maintenance, and operational liabilities that are currently required of the County at Kulwicki Park; and

WHEREAS, current liabilities for Kulwicki Park are estimated to cost \$300,000 in capital expenses, and \$60,000 annually in operational expenses; and

WHEREAS, the Agreement would relieve the County of these costs, which funds could then be reallocated throughout the County Parks system; and

WHEREAS, the Agreement would extend the non-exclusive right to use the park to the City, ensuring that the park remains open and available to all members of the public, similar to its current availability; and

WHEREAS, Kulwicki Park is currently subject to a Use Agreement between the County, the Greater Greenfield Lions Club (GGLC), and the AKPMC dated February 16, 2005; and

45 WHEREAS, Kulwicki Park is also subject to a Use Agreement between the
46 County, the GGLC, the AKPMC, and the Greenfield Little League dated January 6,
47 1999; and

48
49 WHEREAS, the City would assume the obligations of the County under both
50 existing Use Agreements, and the operators listed would continue to use Kulwicki Park
51 under the same terms of the existing agreements; and

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53 WHEREAS, the City operated and maintained Kulwicki Park throughout 2018 as
54 a pilot version of a long-term partnership, which was deemed successful by the
55 Department of Parks, Recreation, and Culture; and

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57 **WHEREAS, at its April 22, 2019, meeting, the Committee on Parks, Energy,**
58 **and Environment unanimously recommended for adoption the Lease and Use**
59 **Agreement between the County and the City; and**

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61 WHEREAS, appropriate County staff will review and approve all documents as
62 required prior to execution; and

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64 WHEREAS, the Committee on Parks, Energy, and Environment, at its meeting of
65 April 22, 2019, recommended adoption of File No. 18-871 (vote 5-0); now, therefore,

66
67 **BE IT RESOLVED, the Director, Department of Parks, Recreation, and**
68 **Culture (DPRC), is directed to amend the Lease and Use Agreement to reflect the**
69 **following changes before effectuating any Agreement between Milwaukee County**
70 **(the County) and the City of Greenfield (the City):**

- 71
- 72 • **The Lease and Use Agreement term shall expire 15 years after**
73 **commencement, with no option for extension.**
 - 74 • **At least six months prior to expiration, the County and the City shall meet**
75 **to discuss the success of the partnership and possible terms and**
76 **conditions for extension of the Lease and Use Agreement.**
 - 77 • **If the County and City wish to extend the Lease and Use Agreement and**
78 **agree to all aforementioned terms and conditions, the County must present**
79 **the option to extend to the Milwaukee County Board of Supervisors**
80 **(County Board) for approval.**
 - 81 • **The City shall, in no event, alter their fee schedule to raise rental fees**
82 **higher than the current County fee schedule in any year.**
 - 83 • **The City shall not charge for parking or install any parking meters at**
84 **Kulwicki Park.**
- 85

- 86 • **The City will make good faith efforts to complete all pending capital**
87 **replacements by three years from the commencement of the Lease and Use**
88 **Agreement. The list of capital replacements is estimated to cost \$305,000**
89 **and can be found on the report attached to File No. 18-871. Capital**
90 **replacements include the pavilion roof, pavilion repair, pavilion exterior,**
91 **ball field bleachers, and the playground.**
92

93 BE IT **FURTHER** RESOLVED, the County Board hereby authorizes the DPRC,
94 the Department of Administrative Services, Office of Corporation Counsel, and any
95 other Department that may be necessary to execute and record all documents and
96 perform all actions as required to effectuate the Lease and Use Agreement with the City
97 for Alan D. Kulwicki Park **after inclusion of the above outlined provisions**; and
98

99 BE IT FURTHER RESOLVED, the County Executive and County Clerk are
100 authorized to execute any required documents regarding the execution of this
101 resolution.
102

103
104 jmj
105 05/23/19S:\County Board Files\County Board 2019\Engrossed Resolutions & Ordinances\May 23\18-871 kulwicki
106 park management agreement.docx